

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADOLFO VILLASENOR,

Plaintiff,

v.

JERRY HOWE, et al.

Defendants.

Case No. 2:19-cv-00683-APG-EJY

ORDER

I. DISCUSSION

According to the Federal Bureau of Prison's inmate database, Plaintiff is no longer incarcerated. However, Plaintiff has not filed an updated address with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a "pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party's attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court." U.S. District Court for the District of Nevada Local Rule IA 3-1.

The Court grants Plaintiff thirty (30) days from the date of entry of this order to file his updated address with this Court. If Plaintiff does not update the Court with his current address within thirty (30) days from the date of entry of this order, the Court will recommend dismissal of this action without prejudice.

Additionally, the Court denies Plaintiff's application to proceed *in forma pauperis* for prisoners (ECF No. 8) as moot because Plaintiff is no longer incarcerated. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400.

1 Finally, Plaintiff filed a motion for appointment of counsel (ECF No. 9) as well as a motion
2 to withdraw his motion for appointment of counsel (ECF No. 17). The Court grants Plaintiff's
3 motion to withdraw his motion for appointment of counsel and denies his motion for appointment
4 of counsel as moot.

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall file his updated
7 address with the Court within **thirty (30) days** from the date of this order.

8 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* for
9 prisoners (ECF No. 8) is DENIED as moot.

10 IT IS FURTHER ORDERED that within ten (10) days of receipt of an updated address from
11 Plaintiff, the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in*
12 *forma pauperis* by a non-prisoner, as well as the document entitled information and instructions for
13 filing an *in forma pauperis* application.

14 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this order,
15 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for non-
16 prisoners; or (2) pay the full filing fee of \$400.

17 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this Order, the
18 Court will recommend dismissal of this case without prejudice.

19 IT IS FURTHER ORDERED that, Plaintiff's motion to withdraw his previously filed motion
20 for appointment of counsel (ECF No. 17) is GRANTED.

21 IT IS FURTHER ORDERED that, Plaintiff's motion for appointment of counsel (ECF No.
22 9) is DENIED as moot.

23 DATED 18th day of August 2020.

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26 ELAYNA J. YOUCHAK
27 UNITED STATES MAGISTRATE JUDGE
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